

VII. Not to extend to writs of Appeal of Felony or Murder, &c.

IX. All Grants and Conveyances to be good, without attornment of Tenants.

X. Proviso.

XI. No Dilatory Plea unless on affidavit. See 3 Bur. 1618.

XII. Action of Debt brought on single Bill or Judgment, after Money due thereupon be paid, such Payment may be pleaded in Bar of Action, &c. The like on Bonds.

XIII. Principal and Interest on Bonds paid in Court, &c. Court may discharge defendant. See 3 Bur. 1370 to 1375.

XIV. Nuncupative Wills. 29 Car. 2, c. 3.

XX. Bail Bond taken by Sheriff, &c. may be assigned to the Plaintiff. Proviso.

XXI. Warranty by Tenant for Life void.

XXII. No *Subpoena* to issue till after Bill filed. Exception.

XXIII. On dismissing Bills in Equity, Plaintiff or Defendant to pay full Costs.

XXIV. Act to extend to all Suits for the King's Debts, &c. *Rex. v. Phillips*, in *Scacc. Hil. 1746*.

XXV. On quashing Writ of Error Defendant to have Costs.

XXVII. Actions of Account may be brought against Executors of Guardians, Bailiffs, &c. Auditors to examine the Parties on oath.

665 *1. At common law, a demurrer confessed all matters formally pleaded, and now by the 27 Eliz. c. 5, and this Statute a general demurrer confesses all matters pleaded, although informally. A special demurrer was considered to confess only facts *well* pleaded. Where a matter is insufficiently alleged so that the Court can give no certain judgment on it, and where substance is wanting, a general demurrer is still good. For want of form a special demurrer, in which the causes were specially assigned, was formerly necessary, although the practice was to take advantage, on special demurrer, of a real error not expressed in the causes of demurrer.

The Act of 1763, ch. 23, after setting forth in its preamble that, notwithstanding the several laws made for the advancement of justice and amendment of the laws, &c., and aiding and supplying defects in judicial proceedings, great delay, &c., is occasioned by demurrers, &c., there being no sufficient provision made for aiding such omissions, errors and imperfections, as are usually taken advantage of by special demurrers, and also for aiding such defects in the entries of clerks as are frequently taken advantage of in the prosecuting writs of error or appeals, as well as divers other advantages of other defects, or pretended errors or defects, which only serve to prevent or divert the examination of and giving judgment on the very right of the cause, for remedy thereof, proceeded to enact that the justices shall proceed and give judgment according as the very right of the cause and matter in law shall appear to them, without regarding any such omission, defects, advantages or pretences as aforesaid, so as sufficient matter shall appear in the proceedings, upon which the Court may proceed to give judgment according to the very right of the